

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ROBERT EARL ALEXANDER,

Plaintiff,

v.

PAUL SUMNITCH and  
BELINDA SCHRUBBE,

Defendants.

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ORDER

11-cv-153-slc

On May 25, 2012, I issued an order granting defendants' motion for summary judgment on the ground that plaintiff Robert Alexander failed to exhaust his administrative remedies, as required by 42 U.S.C. § 1997e(a). On July 9, 2012, I issued an order denying his motion for reconsideration. Now he has submitted a letter in which he states that he since has exhausted his administrative remedies and would like to reopen his case. Dkt. 51 (attached documents show that Alexander filed complaints in August 2012, after I had closed his case).

Because exhaustion is a *precondition* to filing suit, the Court of Appeals for the Seventh Circuit has found that it is not enough for a prisoner litigant to meet this requirement after filing his lawsuit. *Dixon v. Page*, 291 F.3d 485, 489 (7<sup>th</sup> Cir. 2002). Alexander may file a new complaint and pay another filing fee to initiate a new lawsuit if he wishes to do so, but the court cannot take any further action in this case.

Entered this 1<sup>st</sup> day of October, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge